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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,931	01/04/2002	Theodore F. Emerson	COMP:0220B	7599

7590 06/30/2004
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EXAMINER

RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
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2676

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DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,931

Applicant(s)

EMERSON ET AL.

Examiner

Mike Rahmjoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1- 7, and 11- 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hester (US Patent 5,608,426).

As per claims 1, 4, 6, 11, and 14 Hester teaches a plurality of computers (see for example column 2 lines 40- 45); a remote management controller having an EGA shadow look up table and a VGA shadow look up table (see for example column 3 lines 50- 52,

column 4 lines 1- 8, and figure 1- 3 with different display **protocols** having different palettes with one or more entries with each entry being identified by a **color index** value namely RGB), the remote management controller being adapted to snoop accesses (access and manipulate) to EGA and VGA color palettes of a video graphics controller(see for example column 4 lines 60- 65 and figure 3), and to create a copy of information in the EGA color palette in the EGA shadow look up table and a copy (manipulation)of information in the VGA color palette in the VGA shadow look up table, wherein information in the EGA shadow look up table and the VGA shadow look up table is used to communicate correct color information to the remote computer (see for example column 4 lines 45- 55 through communicating the changes and **manipulating** the system palette on he remote computer to make an exact **match**).

As per claims 2, 5, 12, and 15 Hester inherently teaches the remote management controller is adapted to snoop a bus coupled between a processor and the video graphics controller see for example figures 1- 3 and column 4 lines 59- 67 through column 5 lines 1- 9.

As per claims 3, 7, 13, and 16 Hester inherently teaches the video graphics controller comprises a frame buffer, and wherein the remote management controller is adapted to read color

palette index values (see for example column 5 lines 41- 57) of the frame buffer and use the color palette index values (index entries see for example column 4 lines 18- 30) to index the shadow look up tables to obtain the correct color values for pixels in the frame buffer see for example figures 1- 3 and column 4 lines 5- 10.

Response to Arguments

Applicant's arguments filed 06/14/2004 have been fully considered but they are not persuasive.

As per applicant's remarks filed 06/14/2004, applicant argues on page 11- 12 that the prior art made of the reference does not disclose the claimed "remote management controller, snooping access to an EGA color palette and/ or VGA color palette, or creating a copy of information in the color palette in a shadow look up table " and argues each individual element.

Examiner respectfully disagrees.

Applicant admits on 1st paragraph of page 12 as to citation in Hester as to palettes being present, however, omitting the presence of palettes for controlling the display of colors on monitor 12 as per citation made of the art of reference through the rejection filed 03/08/04. The three types of palettes 24, 26, and 28, on the other hand, contain three color fields (RGB) which fairly read on applicant's claimed color palette. Applicant also overlooks the citation made as per figures 1- 3. Figure 3, for example,

clearly shows a host pc 10, a communication link 16, and a remote pc 10. The citation of column 4 lines 45- 58 clearly teaches "remote management controller" which states "according to the present invention, whenever a change is made to the system palette 26 of a **host** computer in a collaborative system, these changes are then **communicated to a remote computer** 10 to recreate the system palette 26 as a logical palette 28 **managed by the collaborative system on the remote computer** 10. If the collaborative system is actively executing on the remote computer 10, it is **permitted to access and manipulate the system palette 26 on the remote computer** 10 so that it is an exact match to its logical palette 28, i.e., the system palette 26 from the host computer 10."

Applicant also acknowledges "a controlling application manages the application sharing and communication functions" in the second paragraph of page 12. Applicant's attention is brought upon the line preceding the above citation which states "on both **host and remote** computers" in column 4 lines 61- 62.

Applicant argues on page 12, 2nd paragraph that Hester fails to disclose "snooping accesses to EGA color palette and / or VGA color palette of a video graphic controller".

The examiner is broadly interpreting "snooping accesses" as "accessing and manipulating" as per citation of the rejection in the previous office action which is taught in column 4 lines 50- 55 with different display protocols in column 3 lines 49- 52.

Applicant argues on page 13 1st paragraph that Hester does not disclose "creating a copy information in the EGA color palette in the EGA shadow look up table

and a copy of information in the VGA color palette in the VGA shadow look up table”.

In response the examiner is broadly interpreting “creating a copy information of color palettes in their respective shadow LUT” to correspond to “accessing and **manipulating** the system palette 26 on the remote computer 10 **so that it is an exact match** to its logical palette 28” in column 4 lines 45- 55 as per citation made in the previous office action and column 3 lines 41- 65 that teaches collaborative system **replication for users to view similar displays** on their respective monitors and the **palette management system** which allows information to be displayed on remote computer 10 in almost **identical state** as it is on the host computer 10 which correspond to “creating a copy”.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305-5658. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308- 6829. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872- 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Mike Rahmjoo

June 24, 2004



**MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**